

AMENDED IN ASSEMBLY SEPTEMBER 9, 2015

AMENDED IN ASSEMBLY SEPTEMBER 4, 2015

AMENDED IN ASSEMBLY AUGUST 28, 2015

AMENDED IN ASSEMBLY JULY 7, 2015

AMENDED IN ASSEMBLY JUNE 24, 2015

AMENDED IN SENATE MAY 6, 2015

AMENDED IN SENATE APRIL 14, 2015

SENATE BILL

No. 48

Introduced by Senator Hill

December 18, 2014

An act to amend Sections 306, 311.5, 321.6, 765, 960, 1701, and 1759 of, to amend and renumber Sections 911 and 915 of, to amend, renumber, and add Section 910 of, and to add Sections 910.1, 911.1, 916.4, and 1711 to, the Public Utilities Code, relating to the Public Utilities Commission.

LEGISLATIVE COUNSEL'S DIGEST

SB 48, as amended, Hill. Public Utilities Commission.

(1) The California Constitution establishes the Public Utilities Commission, with jurisdiction over all public utilities. The Public Utilities Act provides that the office of the commission be in the City and County of San Francisco, that the office always be open, legal holidays and nonjudicial days excepted, that the commission hold its sessions at least once in each calendar month in the City and County of San Francisco, and authorizes the commission to also meet at those

other times and places as may be expedient and necessary for the proper performance of its duties.

This bill would require that the commission hold its sessions at least once in each calendar month in the City and County of San Francisco or the City of Sacramento and would require that the commission hold no less than 6 sessions each year in the City of Sacramento.

(2) The California Constitution authorizes the commission to establish its own procedures, subject to statutory limitations or directions and constitutional requirements of due process. Existing law requires the commission to determine whether a proceeding requires a hearing and, if so, to determine whether the matter requires a quasi-legislative, an adjudication, or a ratesetting hearing. For these purposes, quasi-legislative cases are cases that establish policy rulemakings and investigations which may establish rules affecting an entire industry, adjudication cases are enforcement cases and complaints except those challenging the reasonableness of any rates or charges, and ratesetting cases are cases in which rates are established for a specific company, including general rate cases, performance-based ratemaking, and other ratesetting mechanisms. Existing law requires the commission to publish and maintain certain documents on the Internet, including a docket card that lists all documents filed and all decisions or rulings issued in those proceedings, as provided.

This bill would make the Administrative Adjudication Code of Ethics applicable to administrative law judges of the commission. Except for in adjudication cases, the bill would require the commission, before instituting a proceeding on its own motion, where feasible and appropriate, to seek the views of those who are likely to be affected by a decision in the proceeding, including those who are likely to benefit from, and those who are potentially subject to, a decision in that proceeding. The bill would require the commission to include a docket card that lists the public versions of all prepared written testimony and advice letter filings, protests, and responses on its Internet Web site. The bill would require the commission to make additional information available on the Internet, including information on how members of the public and ratepayers can gain access to the commission's ratemaking process.

(3) The Public Utilities Act requires the commission to develop, publish, and annually update an annual workplan that does all of the following: (A) describes in clear detail the scheduled ratemaking proceedings and other decisions that may be considered by the

commission during the calendar year, (B) includes information on how members of the public and ratepayers can gain access to the commission's ratemaking process and information regarding the specific matters to be decided, (C) includes information on the operation of the office of the public adviser and identifies the names and telephone numbers of those contact persons responsible for specific cases and matters to be decided, and (D) includes a statement that specifies activities that the commission proposes to reduce the costs of, and rates for, energy, including electricity, and for improving the competitive opportunities for state agriculture and other rural energy consumers. The act requires the commission to submit the workplan to the Governor and Legislature by February 1 of each year.

This bill would require the commission to develop, publish, and annually update a report that contains certain specified information, as provided, and would expand the requirement that the workplan, as part of that report, describe in clear detail the scheduled proceedings that may be considered by the commission during the calendar year to include all proceedings and not just ratemaking proceedings. The bill would additionally require that the report include performance criteria for the commission and executive director and evaluate the performance of the executive director during the previous year based on the criteria established in the prior year's workplan.

The bill would require the president of the commission to present the annual report to the appropriate policy committees of the Senate and Assembly, and the commission to post the report in a conspicuous area of its Internet Web site and disseminate the information in the report, as provided. The bill would recast the report requirements and certain other requirements that the commission report information to an article in the Public Utilities Act pertaining to reports by the commission to the Legislature and make other conforming changes.

(4) The Public Utilities Act requires the commission to create, and annually submit to the Governor and Legislature by February 1, a report on the number of cases where resolution exceeded the time periods prescribed in scoping memos and the days that commissioners presided in hearings.

This bill would delete the requirement that the report include the number of cases where resolution exceeded the time periods prescribed in scoping memos and instead would require the commission to annually submit a report to the Legislature on the commission's timeliness in resolving cases and include information on the disposition of

applications for rehearings. The bill would require that the report include the number of scoping memos issued in each proceeding and to include the number of orders issued extending the statutory deadlines for all adjudication, ratesetting, and quasi-legislative cases.

(5) The California Constitution provides that the Legislature has plenary power to establish the manner and scope of review of commission action in a court of record. Existing law provides that only the Supreme Court and the court of appeal have jurisdiction to review, reverse, correct, or annul any order or decision of the commission or to suspend or delay the execution or operation thereof, or to enjoin, restrain, or interfere with the commission in the performance of its official duties.

This bill would authorize an action to enforce the requirements of the Bagley-Keene Open Meeting Act or the California Public Records Act to be brought against the commission in the superior court.

(6) This bill would incorporate additional changes in Section 311.5 of the Public Utilities Code, proposed by AB 825, to be operative only if AB 825 and this bill are both chaptered and become effective on or before January 1, 2016, and this bill is chaptered last.

(7) *This bill would declare that Section 2 of this act shall not become operative if any section of any other act enacted by the Legislature during the 2015 calendar year and takes effect on or before January 1, 2016, amends, amends and rennumbers, adds, repeals and adds, or repeals Section 306 of the Public Utilities Code.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:
3 (1) On June 3, 2014, California's Fourth District Court of
4 Appeal, in *Disenhouse v. Peevey* (2014) 226 Cal.App.4th 1096,
5 held that an interested person desiring to enforce the Bagley-Keene
6 Open Meeting Act (Article 9 (commencing with Section 11120)
7 of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government
8 Code) against the Public Utilities Commission must do so by filing
9 a petition for writ of mandamus in the Supreme Court or the court
10 of appeal and may not do so by filing an action for injunctive relief
11 in the superior court.

1 (2) The intent of the Bagley-Keene Open Meeting Act is that
2 actions of state agencies be taken openly and that their deliberation
3 be conducted openly.

4 (3) The people's right to remain informed so that they may
5 retain control over the instruments of government that they have
6 created is not less of a right for some agencies than for other
7 agencies, nor shall the people's ability to enforce the Bagley-Keene
8 Open Meeting Act be more hampered for some agencies than for
9 other agencies.

10 (4) The duties, responsibilities, and actions of the Public Utilities
11 Commission affect the well-being of current and future generations
12 and the public interest and principles of fundamental fairness and
13 due process of law require that the commission conduct its affairs
14 in an open, objective, and impartial manner, free of undue influence
15 and the abuse of power and authority.

16 (b) It is the intent of the Legislature that the Public Utilities
17 Commission should be subject to the judicial review provisions
18 of the Bagley-Keene Open Meeting Act.

19 SEC. 2. Section 306 of the Public Utilities Code is amended
20 to read:

21 306. (a) The office of the commission shall be in the City and
22 County of San Francisco. The office shall always be open, legal
23 holidays and nonjudicial days excepted. The commission shall
24 hold its sessions at least once in each calendar month in the City
25 and County of San Francisco or the City of Sacramento. The
26 commission may also meet at such other times and in such other
27 places as may be expedient and necessary for the proper
28 performance of its duties, and for that purpose may rent quarters
29 or offices. The commission shall hold no less than six sessions
30 each year in the City of Sacramento.

31 (b) The meetings of the commission shall be open and public
32 in accordance with the provisions of Article 9 (commencing with
33 Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of
34 the Government Code.

35 In addition to the requirements of Section 11125 of the
36 Government Code, the commission shall include in its notice of
37 meetings the agenda of business to be transacted, and no item of
38 business shall be added to the agenda subsequent to the notice in
39 the absence of an unforeseen emergency situation. A rate increase
40 shall not constitute an unforeseen emergency situation. As used

1 in this subdivision, “meeting” shall include all investigations,
2 proceedings, and showings required by law to be open and public.

3 (c) The commission shall have a seal, bearing the inscription
4 “Public Utilities Commission State of California.” The seal shall
5 be affixed to all writs and authentications of copies of records and
6 to such other instruments as the commission shall direct.

7 (d) The commission may procure all necessary books, maps,
8 charts, stationery, instruments, office furniture, apparatus, and
9 appliances.

10 SEC. 3. Section 311.5 of the Public Utilities Code is amended
11 to read:

12 311.5. (a) (1) Prior to commencement of any meeting at which
13 commissioners vote on items on the public agenda, the commission
14 shall make available to the public copies of the agenda, and upon
15 request, any agenda item documents that are proposed to be
16 considered by the commission for action or decision at a
17 commission meeting.

18 (2) In addition, the commission shall publish the agenda, agenda
19 item documents, and adopted decisions in a manner that makes
20 copies of them easily available to the public, including publishing
21 those documents on the Internet. Publication of the agenda and
22 agenda item documents shall occur on the Internet at the same
23 time as the written agenda and agenda item documents are made
24 available to the public.

25 (b) The commission shall publish and maintain the following
26 documents on the Internet:

27 (1) Each of the commission’s proposed and alternate proposed
28 decisions and resolutions, until the decision or resolution is adopted
29 and published.

30 (2) Each of the commission’s adopted decisions and resolutions.
31 The publication shall occur within 10 days of the adoption of each
32 decision or resolution by the commission.

33 (3) The then-current version of the commission’s general orders
34 and Rules of Practice and Procedure.

35 (4) Each of the commission’s rulings. The commission shall
36 maintain those rulings on its Internet Web site until final
37 disposition, including disposition of any judicial appeals, of the
38 respective proceedings in which the rulings were issued.

39 (5) A docket card that lists, by title and date of filing or issuance,
40 all documents filed and all decisions or rulings issued in those

1 proceedings, including the public versions of all prepared written
2 testimony and advice letter filings, protests, and responses. The
3 commission shall maintain the docket card until final disposition,
4 including disposition of any judicial appeals, of the corresponding
5 proceedings.

6 (c) The commission shall make the following information
7 available on the Internet:

8 (1) Information on how members of the public and ratepayers
9 can gain access to the commission's ratemaking process and to
10 information regarding the specific matters to be decided.

11 (2) Information on the operation of the office of the public
12 advisor established in Section 321 and how the public advisor can
13 connect members of the public to persons responsible for specific
14 cases and matters to be decided.

15 SEC. 3.5. Section 311.5 of the Public Utilities Code is amended
16 to read:

17 311.5. (a) (1) Prior to commencement of any meeting at which
18 commissioners vote on items on the public agenda, the commission
19 shall make available to the public copies of the agenda, and upon
20 request, any agenda item documents that are proposed to be
21 considered by the commission for action or decision at a
22 commission meeting.

23 (2) In addition, the commission shall publish the agenda, agenda
24 item documents, and adopted decisions in a manner that makes
25 copies of them easily available to the public, including publishing
26 those documents on the Internet. Publication of the agenda and
27 agenda item documents shall occur on the Internet at the same
28 time as the written agenda and agenda item documents are made
29 available to the public.

30 (b) The commission shall publish and maintain the following
31 documents on the Internet:

32 (1) Each of the commission's proposed and alternate proposed
33 decisions and resolutions, until the decision or resolution is adopted
34 and published.

35 (2) Each of the commission's adopted decisions and resolutions.
36 The publication shall occur within 10 days of the adoption of each
37 decision or resolution by the commission.

38 (3) The then-current version of the commission's general orders
39 and Rules of Practice and Procedure.

1 (4) Each of the commission's rulings. The commission shall
2 maintain those rulings on its Internet Web site until final
3 disposition, including disposition of any judicial appeals, of the
4 respective proceedings in which the rulings were issued.

5 (5) A docket card that lists, by title and date of filing or issuance,
6 all documents filed and all decisions or rulings issued in those
7 proceedings, including the public versions of all prepared written
8 testimony and advice letter filings, protests, and responses. The
9 commission shall maintain the docket card until final disposition,
10 including disposition of any judicial appeals, of the corresponding
11 proceedings. Each document that the commission distributes to
12 any service-of-process list shall be docketed and identified on the
13 commission's Internet Web site.

14 (c) The commission shall make the following information
15 available on the Internet:

16 (1) Information on how members of the public and ratepayers
17 can gain access to the commission's ratemaking process and to
18 information regarding the specific matters to be decided.

19 (2) Information on the operation of the office of the public
20 advisor established in Section 321 and how the public advisor can
21 connect members of the public to persons responsible for specific
22 cases and matters to be decided.

23 SEC. 4. Section 321.6 of the Public Utilities Code is amended
24 to read:

25 321.6. The president of the commission shall annually appear
26 before the appropriate policy committees of the Senate and
27 Assembly to present the annual report of the commission required
28 pursuant to Section 910.

29 SEC. 5. Section 765 of the Public Utilities Code is amended
30 to read:

31 765. (a) When the federal National Transportation Safety
32 Board (NTSB) submits a safety recommendation letter concerning
33 rail safety to the commission, the commission shall provide the
34 NTSB with a formal written response to each recommendation no
35 later than 90 days after receiving the letter. The response shall
36 state one of the following:

37 (1) The commission's intent to implement the recommendations
38 in full, with a proposed timetable for implementation of the
39 recommendations.

1 (2) The commission's intent to implement part of the
2 recommendations, with a proposed timetable for implementation
3 of those recommendations, and detailed reasons for the
4 commission's refusal to implement those recommendations that
5 the commission does not intend to implement.

6 (3) The commission's refusal to implement the
7 recommendations, with detailed reasons for the commission's
8 refusal to implement the recommendations.

9 (b) If the NTSB issues a safety recommendation letter
10 concerning any commission-regulated rail facility to the United
11 States Department of Transportation, the Federal Transit
12 Administration, a commission-regulated rail operator, or the
13 commission, or if the Federal Transit Administration issues a safety
14 advisory concerning any commission-regulated rail facility, the
15 commission shall determine if implementation of the
16 recommendation or advisory is appropriate. The basis for the
17 commission's determination shall be detailed in writing and shall
18 be approved by a majority vote of the commission.

19 (c) If the commission determines that a safety recommendation
20 made by the NTSB is appropriate, or that action concerning a
21 safety advisory is necessary, the commission shall issue orders or
22 adopt rules to implement the safety recommendation or advisory
23 as soon as practicable. In implementing the safety recommendation
24 or advisory, the commission shall consider whether a more
25 effective, or equally effective and less costly, alternative exists to
26 address the safety issue that the recommendation or advisory
27 addresses.

28 SEC. 6. Section 910 of the Public Utilities Code is amended
29 and renumbered to read:

30 913.3. (a) By May 1 of each year, the commission shall prepare
31 and submit to the policy and fiscal committees of the Legislature
32 a written report summarizing the following information:

33 (1) All electrical corporation revenue requirement increases
34 associated with meeting the renewables portfolio standard, as
35 defined in Section 399.12, including direct procurement costs for
36 eligible renewable energy resources and renewable energy credits,
37 administrative expenses for procurement, expenses incurred to
38 ensure a reliable supply of electricity, and expenses for upgrades
39 to the electrical transmission and distribution grid necessary to the

1 delivery of electricity from eligible renewable energy resources
2 to load.

3 (2) All cost savings experienced, or costs avoided, by electrical
4 corporations as a result of meeting the renewables portfolio
5 standard.

6 (3) All costs incurred by electrical corporations for incentives
7 for distributed and renewable generation, including the
8 self-generation incentive program, the California Solar Initiative,
9 and net energy metering.

10 (4) All cost savings experienced, or costs avoided, by electrical
11 corporations as a result of incentives for distributed and renewable
12 generation.

13 (5) All pending requests by an electrical corporation seeking
14 recovery in rates for renewable, fossil fuel, and nuclear
15 procurement costs, research, study, or pilot program costs.

16 (6) The decision number for each decision of the commission
17 authorizing recovery in rates of costs incurred by an electrical
18 corporation since the preceding report.

19 (7) Any change in the electrical load serviced by an electrical
20 corporation since the preceding report.

21 (8) The efforts each electrical corporation is taking to recruit
22 and train employees to ensure an adequately trained and available
23 workforce, including the number of new employees hired by the
24 electrical corporation for purposes of implementing the
25 requirements of Article 16 (commencing with Section 399.11) of
26 Chapter 2.3, the goals adopted by the electrical corporation for
27 increasing women, minority, and disabled veterans trained or hired
28 for purposes of implementing the requirements of Article 16
29 (commencing with Section 399.11) of Chapter 2.3, and, to the
30 extent information is available, the number of new employees
31 hired and the number of women, minority, and disabled veterans
32 trained or hired by persons or corporations owning or operating
33 eligible renewable energy resources under contract with an
34 electrical corporation. This paragraph does not provide the
35 commission with authority to engage in, regulate, or expand its
36 authority to include, workforce recruitment or training.

37 (b) The commission may combine the information required by
38 this section with the reports prepared pursuant to Article 16
39 (commencing with Section 399.11) of Chapter 2.3.

1 SEC. 7. Section 910 is added to the Public Utilities Code, to
2 read:

3 910. (a) The commission shall develop, publish, and annually
4 update a report that contains all of the following information:

5 (1) A workplan that describes in clear detail the scheduled
6 proceedings and other decisions that may be considered by the
7 commission during the calendar year.

8 (2) Performance criteria for the commission and the executive
9 director, and an evaluation of the performance of the executive
10 director during the previous year based on criteria established in
11 the prior year's workplan.

12 (3) An accounting of the commission's transactions and
13 proceedings from the prior year, together with other facts,
14 suggestions, and recommendations that the commission deems of
15 value to the people of the state. The accounting shall include the
16 activities that the commission has taken, and plans to take, to
17 reduce the costs of, and the rates for, water and energy, including
18 electricity, to improve the competitiveness of the state's industries,
19 including agriculture, and, to the extent possible, shall include
20 suggestions and recommendations for the reduction of those costs
21 and rates.

22 (4) A description of activities taken and processes instituted to
23 both solicit the input of customers from diverse regions of the state
24 in ratesetting and quasi-legislative proceedings and to process that
25 input in a way that makes it usable in commission decisionmaking.
26 The report shall describe the successes and challenges of these
27 processes, the effect of resource constraints, and efforts to be made
28 during the calendar year to further the goal of increased public
29 participation.

30 (b) (1) The commission shall submit the report required
31 pursuant to subdivision (a) to the Governor and the Legislature,
32 in compliance with Section 9795 of the Government Code, no later
33 than February 1 of each year.

34 (2) The commission shall post the report in a conspicuous area
35 of its Internet Web site and shall have a program to disseminate
36 the information in the report using computer mailing lists to provide
37 regular updates on the information to those members of the public
38 and organizations that request that information.

39 SEC. 8. Section 910.1 is added to the Public Utilities Code, to
40 read:

1 910.1. The commission shall annually submit a report to the
2 Legislature on the commission's timeliness in resolving cases,
3 information on the disposition of applications for rehearings, and
4 the days that commissioners presided in hearings. The report shall
5 include the number of scoping memos issued in each proceeding
6 and the number of orders issued extending the statutory deadlines
7 pursuant to subdivision (d) of Section 1701.2, for all adjudication
8 cases, and pursuant to subdivision (a) of Section 1701.5, for all
9 ratesetting or quasi-legislative cases.

10 SEC. 9. Section 911 of the Public Utilities Code is amended
11 and renumbered to read:

12 913.4. (a) Notwithstanding subdivision (g) of Section 454.5
13 and Section 583, no later than May 1 of each year, the commission
14 shall release to the Legislature the costs of all electricity
15 procurement contracts for eligible renewable energy resources,
16 including unbundled renewable energy credits, and all costs for
17 utility-owned generation approved by the commission. The first
18 report shall include all costs commencing January 1, 2003.
19 Subsequent reports shall include only costs for the preceding
20 calendar year.

21 (1) For power purchase contracts, the commission shall release
22 costs in an aggregated form categorized according to the year the
23 procurement transaction was approved by the commission, the
24 eligible renewable energy resource type, including bundled
25 renewable energy credits, the average executed contract price, and
26 average actual recorded costs for each kilowatthour of production.
27 Within each renewable energy resource type, the commission shall
28 provide aggregated costs for different project size thresholds.

29 (2) For each utility-owned renewable generation project, the
30 commission shall release the costs forecast by the electrical
31 corporation at the time of initial approval and the actual recorded
32 costs for each kilowatthour of production during the preceding
33 calendar year.

34 (b) This section does not require the release of the terms of any
35 individual electricity procurement contracts for eligible renewable
36 energy resources, including unbundled renewable energy credits,
37 approved by the commission. The commission shall aggregate
38 data to the extent required to ensure protection of the confidentiality
39 of individual contract costs even if this aggregation requires
40 grouping contracts of different energy resource type. The

1 commission shall not be required to release the data in any year
2 when there are fewer than three contracts approved.

3 (c) The commission may combine the information required by
4 this section with the report prepared pursuant to Section 913.3.

5 SEC. 10. Section 911.1 is added to the Public Utilities Code,
6 to read:

7 911.1. An action taken by the commission on a safety
8 recommendation letter or advisory bulletin concerning gas pipeline
9 safety issued by the federal National Transportation Safety Board
10 (NTSB) shall be reported annually, in detail, to the Legislature
11 with the report required by Section 910. Correspondence from the
12 NTSB that indicates that a recommendation of the NTSB has been
13 closed following an action that the NTSB finds unacceptable shall
14 be noted in the report required by Section 910.

15 SEC. 11. Section 915 of the Public Utilities Code is amended
16 and renumbered to read:

17 911. (a) Beginning February 1, 2016, the commission shall
18 annually publish a report that includes all investigations into gas
19 or electric service safety incidents reported, pursuant to commission
20 requirements, by any gas corporation or electrical corporation. The
21 report shall succinctly describe each safety investigation concluded
22 during the prior calendar year and each investigation that remains
23 open. The categories within the description shall include the month
24 of the safety incident, the reason for the investigation, the facility
25 type involved, and the owner of the facility.

26 (b) The commission shall include in its report required pursuant
27 to Section 910, a summary of the staff safety investigations
28 concluded during the prior calendar year and the staff safety
29 investigations that remain open for any gas corporation or electrical
30 corporation, with a link to the Internet Web site with the report
31 that contains the information required pursuant to subdivision (a).

32 SEC. 12. Section 916.4 is added to the Public Utilities Code,
33 to read:

34 916.4. An action taken by the commission on a safety
35 recommendation letter or safety advisory pursuant to Section 765
36 shall be reported annually, in detail, to the Legislature with the
37 report required by Section 910. Correspondence from the federal
38 National Transportation Safety Board indicating that a
39 recommendation has been closed following an action that the

1 federal National Transportation Safety Board finds unacceptable
2 shall be noted in the report required by Section 910.

3 SEC. 13. Section 960 of the Public Utilities Code is amended
4 to read:

5 960. (a) When the federal National Transportation Safety
6 Board (NTSB) submits a safety recommendation letter concerning
7 gas pipeline safety to the commission, the commission shall provide
8 the NTSB with a formal written response to each recommendation
9 not later than 90 days after receiving the letter. The response shall
10 state one of the following:

11 (1) The commission's intent to implement the recommendations
12 in full, with a proposed timetable for implementation of the
13 recommendations.

14 (2) The commission's intent to implement part of the
15 recommendations, with a proposed timetable for implementation
16 of those recommendations, and detailed reasons for the
17 commission's refusal to implement those recommendations that
18 the commission does not intend to implement.

19 (3) The commission's refusal to implement the
20 recommendations, with detailed reasons for the commission's
21 refusal to implement the recommendations.

22 (b) If the NTSB issues a safety recommendation letter
23 concerning any commission-regulated gas pipeline facility to the
24 United States Department of Transportation, the federal Pipeline
25 and Hazardous Materials Safety Administration (PHMSA), a gas
26 corporation, or the commission, or the PHMSA issues an advisory
27 bulletin concerning any commission-regulated gas pipeline facility,
28 the commission shall determine if implementation of the
29 recommendation or advisory is appropriate. The basis for the
30 commission's determination shall be detailed in writing and shall
31 be approved by a majority vote of the commission.

32 (c) If the commission determines that a safety recommendation
33 made by the NTSB is appropriate or that action concerning an
34 advisory bulletin is necessary, the commission shall issue orders
35 or adopt rules to implement the safety recommendation or advisory
36 as soon as practicable. In implementing the safety recommendation
37 or advisory, the commission shall consider whether a more
38 effective, or equally effective and less costly, alternative exists to
39 address the safety issue that the recommendation or advisory
40 addresses.

1 SEC. 14 Section 1701 of the Public Utilities Code is amended
2 to read:

3 1701. (a) All hearings, investigations, and proceedings shall
4 be governed by this part and by rules of practice and procedure
5 adopted by the commission, and in the conduct thereof the technical
6 rules of evidence need not be applied. No informality in any
7 hearing, investigation, or proceeding or in the manner of taking
8 testimony shall invalidate any order, decision or rule made,
9 approved, or confirmed by the commission.

10 (b) Notwithstanding Section 11425.10 of the Government Code,
11 Articles 1 through 15, inclusive, of Chapter 4.5 (commencing with
12 Section 11400) of Part 1 of Division 3 of Title 2 of the Government
13 Code do not apply to a hearing by the commission under this code.
14 The Administrative Adjudication Code of Ethics (Article 16
15 (commencing with Section 11475) of Chapter 4.5 of Part 1 of
16 Division 3 of Title 2 of the Government Code) shall apply to
17 administrative law judges of the commission.

18 SEC. 15. Section 1711 is added to the Public Utilities Code,
19 to read:

20 1711. Where feasible and appropriate, except for adjudication
21 cases, before instituting a proceeding on its own motion, the
22 commission shall seek the views of those who are likely to be
23 affected, including those who are likely to benefit from, and those
24 who are potentially subject to, a decision in that proceeding. The
25 commission shall demonstrate its efforts to comply with this section
26 in the text of the order instituting the proceeding.

27 SEC. 16. Section 1759 of the Public Utilities Code is amended
28 to read:

29 1759. (a) No court of this state, except the Supreme Court and
30 the court of appeal, to the extent specified in this article, shall have
31 jurisdiction to review, reverse, correct, or annul an order or decision
32 of the commission or to suspend or delay the execution or operation
33 thereof, or to enjoin, restrain, or interfere with the commission in
34 the performance of its official duties, as provided by law and the
35 rules of court.

36 (b) The writ of mandamus shall lie from the Supreme Court and
37 from the court of appeal to the commission in all proper cases as
38 prescribed in Section 1085 of the Code of Civil Procedure.

39 (c) This section does not apply to the following actions, which
40 may be brought in superior court:

1 (1) An action brought against the commission to enforce the
2 requirements of the Bagley-Keene Open Meeting Act (Article 9
3 (commencing with Section 11120) of Chapter 1 of Part 1 of
4 Division 3 of Title 2 of the Government Code).

5 (2) An action arising from the California Public Records Act
6 (Chapter 3.5 (commencing with Section 6250) of Division 7 of
7 Title 1 of the Government Code) or to review a determination
8 made under subdivision (c) of Section 6253 of the Government
9 Code.

10 SEC. 17. Section 3.5 of this bill incorporates amendments to
11 Section 311.5 of the Public Utilities Code proposed by both this
12 bill and Assembly Bill 825. It shall only become operative if (1)
13 both bills are enacted and become effective on or before January
14 1, 2016, (2) each bill amends Section 311.5 of the Public Utilities
15 Code, and (3) this bill is enacted after Assembly Bill 825, in which
16 case Section 3 of this bill shall not become operative.

17 *SEC. 18. Section 2 of this act shall not become operative if any*
18 *section of any other act, including any act related to the Budget*
19 *Act of 2015, enacted by the Legislature during the 2015 calendar*
20 *year and takes effect on or before January 1, 2016, amends,*
21 *amends and renumbers, adds, repeals and adds, or repeals Section*
22 *306 of the Public Utilities Code.*